

FILED  
Clerk  
District Court

FEB 23 2006

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

**MICHAEL W. DOTTS, ESQ.**  
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**Second Floor, Nauru Building**  
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*Attorneys for Plaintiff Maria Hellena Jebehn*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**MARIA HELLENA JEBEHN,**

**Plaintiff,**

**v.**

**JOSEPH JOHN HERRERA;  
ALOHA COUNCIL BOY SCOUTS OF  
AMERICA, INC.; and BOY SCOUTS  
OF AMERICA, INC.,**

**Defendants.**

**CIVIL ACTION NO.03-0027**

**MEMORANDUM IN  
SUPPORT OF MOTION  
FOR AN ORDER IN AID  
OF JUDGMENT AGAINST  
DEFENDANT JOSEPH  
JOHN HERRERA**

**Date: April 6, 2006  
Time: 9:00 a.m.**

Rule 69 (a) of the Federal Rules of Civil Procedure provides in relevant parts:

“Process to enforce a judgment for the payment of money shall be a writ of execution, unless the court directs otherwise. The procedure on execution, in proceedings supplementary to and in aid of judgment, and in proceedings on and in aid of execution shall be in accordance with the practice and procedure of the state in which the district court is held, existing at the time the remedy is sought...In aid of the judgment or execution, the judgment creditor or successor in interest when that interest appears of record, may obtain discovery from any person, including the judgment debtor, ...”

1 District court had jurisdiction to enforce settlement agreement, where order approving the  
2 agreement included an express provision retaining jurisdiction to resolve disputes and enforce  
3 the agreement. *Flanagan v. Arnaiz*, 143 F.3d 540 (CA 9, 1998)

4  
5 As shown in the Declaration of Michael W. Dotts filed herewith, Plaintiff is entitled to  
6 obtain an order in aid of judgment. The Court retained jurisdiction to enforce the terms of the  
7 Settlement Agreement if necessary. Defendant refused and failed to make timely payments  
8 under the Settlement Agreement.

9  
10 The purpose of this Motion for an Order in Aid of Judgment is to authorize execution on  
11 the full judgment amount and to examine Defendant's ability to pay and to determine the fastest  
12 manner in which Defendant can pay the Judgment which remains unsatisfied. Accordingly,  
13 Plaintiff hereby seeks the aid of the Court in enforcing the terms of the Settlement Agreement.

14  
15  
16 Respectfully submitted this 22 day of February, 2006.

17 O' CONNOR BERMAN DOTTs AND BANES  
18 Attorneys for Plaintiff

19  
20  
21 By: 

22 Michael W. Dotts (F0150)

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25 3016-01-060220-MemoMotionOrderAidJudgment.abs  
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